

STATE OF NEVADA



COMMISSION ON ETHICS

COMMISSION PANEL DETERMINATION
REGARDING JUST AND SUFFICIENT CAUSE
NRS 281.511(3)

COMMISSION PANEL: GEORGE KEELE AND JIM KOSINSKI

IN THE MATTER OF THE REQUEST FOR OPINION
CONCERNING THE CONDUCT OF
Candice Trummell, Chairman
Nye County Commission

Request for Opinion
No. 05-17

On December 2, 2005, pursuant to NRS 281.462, a Commission panel reviewed the Executive Director's Report and Recommendations Regarding Just and Sufficient Cause, the request for opinion filed herein, and all related documents and determined that just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on the allegations that Ms. Trummell violated the provisions of NRS 281.501(2), and the complaint was dismissed. Specifically, the panel found no evidence of any act in violation of the Ethics in Government Law by Ms. Trummell in relation to her participation in the facilitation and discussion of the Nye County Commission issue regarding the lease of Nye County property to the Pahrump Chamber of Commerce to house Nevada Job Connect and Community One-Stop programs. The panel found no impermissible conflict of interest exists between Ms. Trummell's elected position as a Nye County Commissioner and her appointed position as a member of the Southern Nevada Workforce Investment Board representing the interests of Nye County. Statutory construction recognizes inherent conflicts between public and institutional interests, and the Commission has previously opined in similar circumstances "[t]he conflict is wholly within the context of one's dual responsibilities as a public officer" and therefore, absent any private interest or commitment, would not trigger the statutory disclosure and abstention provisions (see NCOE Opinion 93-06). Thus, there is no evidentiary basis to support a violation of NRS 281.501(2).

The Request for Opinion is, therefore, DISMISSED.

DATED: December 2, 2005

Stacy M. Jennings
Stacy M. Jennings, MPA, Executive Director

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day at Carson City, Nevada, I placed a true and correct copy of the Commission Panel Determination Regarding Just and Sufficient Cause in a Federal Express envelope and caused it to be sent via overnight delivery service, addressed as follows:

Candice Trummell, Chairman
Nye County Commission
1510 E. Basin Road
Pahrump, NV 89060

Dated: December 2, 2005

Emily H. Nunez
Office Manager, Nevada Commission on Ethics